



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

APR 26 2005

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeffrey A. Burke, President
OSCO Industries, Inc.
11th and Chillicothe St.
Portsmouth, Ohio 45662

Re: Notice of Violation
OSCO Industries, Inc.
Portsmouth, Ohio facility, and
Jackson, Ohio facility

Dear Mr. Burke:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to OSCO Industries, Inc. (OSCO or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Ohio State Implementation Plan at your Jackson, Ohio, and Portsmouth, Ohio facilities.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV.

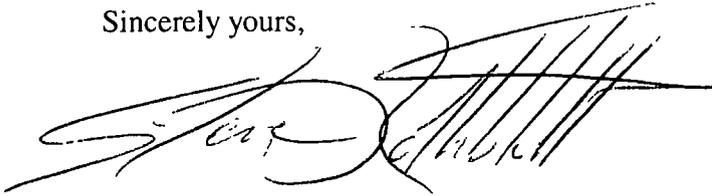
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The contacts in this matter are Sheila Desai, Environmental Engineer, and Eaton Weiler,

Associate Regional Counsel. You may call them at (312) 353-4150 and (312) 886-6041 respectively to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt", with a large, stylized flourish extending to the right.

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Ohio Environmental Protection Agency

Philip H. Thompson, Director
Portsmouth City Health Department

Dean Ponchak, APC Supervisor
Ohio EPA Southeast District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
)
 OSCO Industries, Inc.) **NOTICE OF VIOLATION**
)
 Portsmouth, Ohio)
) **EPA-5-05-OH-09**
)
 OSCO Industries, Inc.)
)
 Jackson, Ohio)
)
)
 Proceedings Pursuant to)
)
 Section 113(a)(1) of the)
)
 Clean Air Act, 42 U.S.C.)
)
 § 7413(a)(1))
)

NOTICE OF VIOLATION

The United States Environmental Protection Agency (U.S.EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that OSCO Industries, Inc. (OSCO) is violating the Ohio State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On October 31, 1980, U.S. EPA approved Ohio Admin. Code § 3745-21-08 as part of the federally enforceable state implementation plan (SIP) for Ohio. 45 Fed. Reg. 72140.
2. Ohio Admin. Code § 3745-21-08 as incorporated into the Ohio SIP applies to all new stationary sources regardless of location.
3. Ohio Admin. Code § 3745-21-08 as incorporated into the Ohio SIP requires that “no person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola . . . unless they are burned at 1,300 degrees Fahrenheit for 0.3 seconds or greater in a direct-flame afterburner or equivalent device.”
4. On October 1, 1982, U.S. EPA approved Ohio Admin. Code § 3745-15-01 as part of the federally enforceable SIP for Ohio. 47 Fed. Reg. 43377.

5. Ohio Admin. Code § 3745-15-01, as incorporated into the Ohio SIP, defines “person”, in part, as “any . . . public or private corporation, individual, partnership, or other entity.”
6. Ohio Admin. Code § 3745-15-01, as incorporated into the Ohio SIP, defines “new source” as any source the construction or modification of which commenced on or after February 15, 1972.

Violations

A. Portsmouth Facility

7. OSCO is a person within the meaning of Ohio Admin. Code § 3745-15-01, as incorporated into the Ohio SIP.
8. OSCO owns and operates a gray iron foundry, including two gray iron cupolas at U.S. Route 23 and U.S. Route 52, Portsmouth, Ohio (Portsmouth Facility)
9. At all times relevant to this Notice of Violation, OSCO’s Portsmouth Facility constitutes a “new source within the meaning of Ohio Admin. Code § 3745-15-01, as incorporated into the Ohio SIP.
10. To control emissions of carbon monoxide gases from the cupolas at the Portsmouth Facility, OSCO operates a direct-flame afterburner or equivalent device.
11. In violation of Ohio Admin. Code § 3745-21-08, as incorporated into the Ohio SIP, on 390 days during the past five years at the Portsmouth Facility, the carbon monoxide gases generated during the operation of gray iron cupolas were not burned at 1,300 degrees Fahrenheit for 0.3 second or greater in the direct-flame afterburner or equivalent device.

B. Jackson Facility

12. OSCO owns and operates a gray iron foundry, including a gray iron cupola at Athens and Chillicothe St., Jackson, Ohio (Jackson Facility).
13. At all times relevant to this Notice of Violation, OSCO’s Jackson Facility constitutes a “new source within the meaning of Ohio Admin. Code § 3745-15-01, as incorporated into the Ohio SIP.
14. To control emissions of carbon monoxide gases from the cupola at the Jackson Facility, OSCO operates direct-flame afterburner or equivalent device.

15. In violation of Ohio Admin. Code § 3745-21-08, as incorporated into the Ohio SIP, on 858 days during the past five years at the Jackson Facility, the carbon monoxide gases generated during the operation of the gray iron cupola were not burned at 1,300 degrees Fahrenheit for 0.3 second or greater in the direct-flame afterburner or equivalent device.

4/26/05

Date

A handwritten signature in black ink, appearing to read 'Stephen Rothblatt', written over a horizontal line.

Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-05-OH-09, by Certified Mail, Return Receipt Requested, to:

Jeffrey A. Burke, President
OSCO Industries
P.O. Box 1388
Portsmouth, Ohio 45662

I also certify that I sent copies of the Notice of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

Philip H. Thompson
Director, Air Pollution Unit
Portsmouth City Health Department
740 Second St.
Portsmouth, Ohio 45662

and

Dean Ponchak
APC Supervisor
Ohio EPA Southeast District Office
2195 Front St.
Logan, Ohio 43138

on the 27th day of APRIL, 2005.



Loretta Shaffer, Secretary
AECAS,(MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 9025 6893